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PART 1920—PROCEDURE FOR VARIATIONS FROM SAFETY AND HEALTH REGULATIONS UNDER THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Sec.

1920.1 Purpose.

1920.2 Variances.

AUTHORITY: Sec. 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941); sec. 6, Occupational Safety and Health Act of 1970 (29 U.S.C. 655).

§ 1920.1 Purpose.

This part governs the procedure for the granting of variations from the safety and health regulations established pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act. The part provides the same procedures under this Act as are available for considering variances under the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

[37 FR 10800, May 31, 1972]

§ 1920.2 Variances.

(a) Variances from standards in parts 1915 through 1918 of this chapter may be granted in the same circumstances in which variances may be granted under sections 6(b) (6)(A) or 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655). The procedures for the granting of variances from Parts 1915–1918 of this chapter are those published in Part 1905 of this chapter.

(b) Any requests for variances shall also be considered requests for variances under the Williams-Steiger Occupational Safety and Health Act of 1970, and any variance from §§1910.13 through 1910.16 of this chapter which adopt parts 1915–1918 of this chapter, shall be deemed a variance from the standard under both the Longshoremen's and Harbor Workers' Compensation Act and the Williams-Steiger Occupational Safety and Health Act of 1970.

[37 FR 10800, May 31, 1972]

**PART 1921—RULES OF PRACTICE IN
ENFORCEMENT PROCEEDINGS
UNDER SECTION 41 OF THE
LONGSHOREMEN'S AND HARBOR
WORKERS' COMPENSATION ACT**

**Subpart A—Applicability of Rules;
Definitions**

Sec.

- 1921.1 Applicability of rules.
1921.2 Definitions.

Subpart B—Prehearing Procedures

- 1921.3 Complaints.
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- 1921.17 Service; copies of documents and
pleadings.
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1921.19 Depositions.
1921.20 Subpoenas.
1921.21 Hearing examiners.
1921.22 Computation of time.

AUTHORITY: Sec. 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941); 5 U.S.C. 301.

SOURCE: 27 FR 4165, May 2, 1962, unless otherwise noted. Redesignated at 28 FR 7909, Aug. 2, 1963, and further redesignated at 36 FR 25232, Dec. 31, 1971.

**Subpart A—Applicability of Rules;
Definitions**

§ 1921.1 Applicability of rules.

This part provides rules of practice for administrative hearings relating to the enforcement of section 41 of the Longshoremen's and Harbor Workers' Compensation Act and the safety regulations promulgated thereunder which

are published in parts 1915 and 1918 of this subtitle. This part applies only to proceedings held under section 41(b)(5) of the Act. It does not apply to any other administrative proceedings held under section 41 of the Act.

§ 1921.2 Definitions.

(a) *Act* means the Longshoremen's and Harbor Workers' Compensation Act.

(b) *Chief Hearing Examiner* means the Chief Hearing Examiner, United States Department of Labor, Washington DC 20210.

(c) *Respondent* means the person or organization proceeded against.

(d) *Assistant Secretary* means the Assistant Secretary for Occupational Safety and Health.

Subpart B—Prehearing Procedures

§ 1921.3 Complaints.

(a) *Issuance.* The Deputy Solicitor of Labor shall institute enforcement proceedings by issuing a complaint and causing the complaint to be served upon the respondent.

(b) *Contents.* The complaint shall contain a clear and concise factual statement sufficient to inform the respondent with reasonable definiteness of the types of acts or practices alleged to have occurred and to violate section 41 of the Act or the provisions of parts 1915 and 1918 of this subtitle.

(c) *Amendments.* At any time prior to the close of the hearing, the complaint may be amended in the discretion of the hearing examiner and on such terms as he may approve.

(d) *Notice of hearing.* The hearing examiner shall notify the parties of the time and place for a hearing within 10 days after the service of the complaint.

§ 1921.4 Answer.

(a) *Filing and service.* Within 14 days after the service of the complaint, the respondent shall file an answer with the Chief Hearing Examiner. The answer shall be signed by the respondent or his attorney.

(b) *Contents; failure to file.* The answer shall: